



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: Google-47 (GP-108-00-US)

Appl. No.: 10/614,736

Applicant/Appellant: Georges R. HARIK

Filed: June 30, 2003

Title: **SERVING ADVERTISEMENTS USING A SEARCH OF ADVERTISER
WEB INFORMATION**

TC/A.U.: 2167

Examiner: Harold E. Dodds

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

APPEAL BRIEF

Further to the Notice of Appeal filed on March 21, 2006, which set a period for response to expire on May 21, 2006, that period being extended two (2) months to expire on July 21, 2006 the Appellant requests that the Board reverse all outstanding grounds of rejection in view of the following.

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I. Real Party In Interest

The real party in interest is Google, Inc. An assignment of the above-referenced patent application from the inventors to Google, Inc. was recorded in the Patent Office starting at Frame 0390 of Reel 017085.

II. Related Appeals and Interference

There are no related appeals or interferences.

III. Status of Claims

Claims 1-49 are pending.

Claims 17-22, 24-27 and 44-49 have been withdrawn.

Claims 1-16, 23 and 28-43 stand rejected. More specifically, claims 1, 6-8, 10-16, 23, 28, 33-35 and 37-43 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,519,591 ("the Guheen patent"). Claims 2-5 and 29-32 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Guheen patent as applied to claims 1 and 28, and further in view of U.S. Patent No. 6,480,843 ("the Li patent"). Claims 9 and 36 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Guheen patent as applied to claims 7 and 34, and further in view of U.S. Patent No. 6,119,101 ("the Peckover patent").

The rejections of claims 1-16, 23 and 28-43 is appealed.

IV. Status of Amendments

There have been no amendments subsequent to the final Office Action (Paper No. 110805).

V. Summary of the Claimed Subject Matter

Independent claim 1 claims a method comprising (a) accepting a search query (See, e.g., 410 and 440 of Figure 4; page 16, lines 16-24; 610 of Figure 6; and page 20, lines 5 and 6.), (b) searching a searchable data structure including advertiser Web page information (See, e.g., 440 and 460 of Figure 4; page 16, lines 25-30; 620 of Figure 6; and page 20, lines 6-9.), (c) accepting search results (See, e.g., document URL in 464 of Figure 4; page 16, line 30 through page 17, line 1; 630 of Figure 6; and page 20, line 9.), and (d) retrieving at least one advertisement using at least a portion of the accepted search results (See, e.g., 420, 470, 472 and 480 of Figure 4; page 17, lines 4-14; 640 of Figure 6; and page 20, lines 10 and 11.).

Independent claim 23 claims a search engine comprising (a) a query processor (See, e.g., 440 of Figure 4; page 16, lines 25-30; 710 of Figure 7; and page 23, line 11 through page 24, line 14.), (b) a first index including information derived from Web pages of the World Wide Web (See, e.g., 450 of Figure 4; page 17, line 25 through page 19, line 7; 720 of Figure 7; and page 23, line 11 through page 24, line 14.), and (c) a second index including information derived exclusively from Web pages of advertisers (See, e.g., 460 and 462 of Figure 4; page 16, lines 27-30 and page 19, lines 8-25; 720 of

Figure 7; and page 23, line 11 through page 24, line 14.).

Finally, independent claim 28 claims apparatus comprising (a) an input for accepting a search query (See, e.g., 410 and 440 of Figure 4; page 16, lines 16-24; 732 of Figure 7; and page 23, line 11 through page 24, line 14.), (b) means for searching a searchable data structure including advertiser Web page information to generate search results (See, e.g., 440 and 460 of Figure 4; page 16, line 25 through page 17, line 1; 710 and 720 of Figure 7; and page 23, line 11 through page 24, line 14.), and (c) means for retrieving at least one advertisement using at least a portion of the accepted search results (See, e.g., 420, 470, 472 and 480 of Figure 4; page 17, lines 4-14; 710 and 720 of Figure 7; and page 23, line 11 through page 24, line 14.)

Separately argued dependent claim 37 further recites that a means for retrieving at least one advertisements using a portion of accepted search results uses Web page identifiers included in the search results. Separately argued dependent claim 38 further recites that the Web page identifiers may be used as lookup keys to a database of advertisement information. This is supported, for example, by DOC ID in 462, URL in 464, and URL to ADs mapping 472 in Figure 4, page 17 lines 4-19, page 22, lines 22-25, Figure 7, and page 23, line 11 through page 24, line 14.

Finally, separately argued dependent claims 40 and 41 further recite that the means for retrieving at least one advertisement does not consider expressly entered targeting information, such as keyword targeting information. This is supported, for example, by 420 in

Figure 4, page 17 lines 4-19 (and in particular, lines 8-10), Figure 7, and page 23, line 11 through page 24, line 14.

The foregoing embodiments, consistent with the present invention, may be useful, for example, to allow owners of web content to target ads and/or to advertise their products and services without requiring them to enter and/or maintain certain targeting information, such as targeting keywords for example. (See page 5, lines 1-10 of the Specification.) The present invention is particularly useful for determining ads to be served in association with search results pages since indexing, search query, and/or search engine infrastructure and technology can be leveraged. (See page 25, lines 21-24 of the Specification.)

VI. Grounds of Rejection to be Reviewed on Appeal

The issues presented for review are whether (separately patentable groups of) claims:

1, 6-8, 10-16, 23, 28, 33-35 and 37-43 are anticipated by the Guheen patent;

2-5 and 29-32 are unpatentable over the Guheen patent as applied to claims 1 and 28, and further in view of the Li patent; and

9 and 36 are unpatentable over the Guheen patent as applied to claims 7 and 34, and further in view of the Peckover patent.

VII. Argument

The Appellant respectfully requests that the Board reverse the final rejection of claims 1-16, 23 and 28-43 in view of the following.

Rejections under 35 U.S.C. § 102

Claims 1, 6-8, 10-16, 23, 28, 33-35 and 37-43 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,519,591 ("the Guheen patent"). The Appellant respectfully requests that the Board reverse this ground of rejection in view of the following.

Before addressing various patentable features of the claimed invention, the Appellant will first introduce the Guheen patent. The Appellant would like to preface the discussion of the Guheen patent by noting it takes a somewhat scattershot approach to discussing the design and development of various Web-based services, as well as to discussing such services, over its 177 sheets of drawings and 288 columns of specification.

The detailed description of the Guheen patent discusses a Web architecture project definition (e.g., required components and those not required) and implementation (e.g., sets of components under each phase of implementation). (See, e.g., column 9, line 26 et seq.) The Guheen patent defines a "framework" as a collection of cooperating classes that make up a reusable design solution for a given problem domain. (See column 31, lines 1-3.)

The Guheen patent then proceeds to detail the use of a development framework in software development. (See, e.g., column 33, line 1 through column 163, line 34.) In particular, the Guheen patent lists various components, each component being provided with implementation considerations and product considerations. In this portion of the Guheen patent, the Examiner cites columns 54 and 55 as teaching an act of searching a searchable data structure. In particular, the Examiner cites column 54, line 66 through column 55, line 3. (The Examiner also cites column 30, lines 55-59 as teaching searching a searchable data structure. The section of column 30 cited merely discusses generic framework code that takes care of almost all event handling and flow control such that less custom program code is needed.) The sections of columns 54 and 55 cited by the Examiner concern searching a "Help Desk" history database, where the help desk provides help to software developers, as a part of service management that provides an interface between an environment management team (which focuses on management tasks such as supporting software developers), software development teams, and external vendors (or service providers).

The Guheen patent then discusses a Web Architecture Framework ("WAF") that may be used to support various features such as e-commerce, content channels, administration, consumer relationship management, content management and publishing, education related services and web customer services. (See, e.g., column 163, line 35-column 288, line 42.) In this portion of the Guheen patent, the Examiner cites:

- i) column 238 as teaching an act of accepting a search query;
- ii) columns 189 and 207 as teaching the fact that a searchable data structure searched includes advertiser Web information;
- iii) columns 192 and 260 as teaching accepting search results;
- iv) columns 189, 193 and 194 as teaching an act of retrieving at least one advertisement; and
- v) columns 257 and 260 (the Examiner previously cited columns 192, 215 and 260 in the first Office Action) as using at least a portion of accepted search results to retrieve at least one advertisement.

Each of the cited portions of the WAF section of the Guheen patent are introduced, and described in their proper context, below.

The Examiner cites column 238, lines 60-62 as teaching an act of accepting a search query. The cited section of the Guheen patent concerns customer-related Web application services to support a product. In particular, the cited section concerns accepting natural language and/or keyword search queries to support customers that have questions about a product that they have purchased.

The Examiner cites column 189, lines 28-31 and column 207, lines 44 and 45 as teaching the fact that a searchable data structure searched includes advertiser Web information. The cited section of column 189 concerns displaying ads along with items being displayed for purchase. This is part of commerce-related Web application services. (See, e.g., column 172, lines

46-66.) The cited section of column 207 discusses links to Web pages for easy access to published documents in the context of discussion forums and newsgroups.

The Examiner cites column 192, lines 43-45 and column 260, line 6 as teaching accepting search results. The cited section of column 192 concerns allowing individual users to control the amount of electronic advertising they receive with electronic content since some users will accept receiving such advertisements while other users will be opposed to receiving such advertisements. The cited section of column 260 concerns providing a table of query results in the context of locating channel partners or educational centers.

The Examiner cites column 189, line 28-31, column 193, lines 65-67 and column 194, lines 1-15 as teaching an act of retrieving at least one advertisement. Although the cited section of column 189 does concern displaying advertisements, the cited sections of columns 193 and 194 merely concern allowing customers to order and purchase articles from remote location, and to pickup the purchased articles at stores.

The Examiner cites column 257, lines 40-44 and column 260, line 6 as using at least a portion of accepted search results to retrieve at least one advertisement. The cited portion of column 257 concerns a data service component that supports storage of application specific data, and that maintains and verifies data integrity. The cited portion of column 257 notes that administrators can chose a preferred one of several different methods of managing data. Finally, as already mentioned above, the cited section of column 260 concerns providing a table of query results in the

context of locating channel partners or educational centers.

Having introduced the Guheen patent, the Appellant will now discuss at least some of the patentable features of the claimed invention. Before doing so, however, since the Examiner's 102-based rejections combine distinct sections of the Guheen patent, the Appellant would like to introduce the applicable case law. The Court of Appeals for the Federal Circuit ("the CAFC") has instructed that to anticipate, a single prior art reference must "describe all of the elements of the claims, *arranged as in the [claim].*" (Emphasis added.) C.R. Bard Inc. v. M3 Systems, Inc., 48 U.S.P.Q.2d 1225, 1230 (Fed. Cir. 1998), cert. denied, 119 S. Ct. 1804 (1999). This is in accord with previous Court of Claims and Patent Appeals ("the CCPA") decisions. For example, the CCPA has instructed that to anticipate:

[the] reference must *clearly and unequivocally* disclose the claimed [invention] or direct those skilled in the art to the [claimed invention] *without any need for picking, choosing and combining various disclosures not directly related to each other* by the teachings of the cited reference. [Emphasis added.]

In re Arkley, 172 U.S.P.Q. 524, 526 (CCPA 1972).

Group Consisting of Claims 1, 7, 8, 15, 28 and 42

Independent claims 1 and 28 are not anticipated by the Guheen patent at least because the Guheen patent does not teach an act of (or means for) retrieving at least one advertisement using at least a portion of accepted search results. The Examiner parsed this element into

"retrieving at least one advertisement" and "using at least a portion of the accepted search results." In particular, as discussed above, the Examiner cites column 189, line 28-31, column 193, lines 65-67 and column 194, lines 1-15 as teaching an act of retrieving at least one advertisement. Although the cited section of column 189 does concern displaying advertisements, the cited sections of columns 193 and 194 merely concern allowing customers to order and purchase articles from remote location, and to pickup the purchased articles at stores. The Examiner then cites column 257, lines 40-44 and column 260, line 6 as using at least a portion of accepted search results [to retrieve at least one advertisement]. The cited section of column 257 concerns a data service component that supports storage of application specific data, and that maintains and verifies data integrity. The Appellant respectfully submits that this has nothing to do with using at least a portion of search results to retrieve at least one advertisement. The cited section of column 260 concerns providing a table of query results in the context of locating channel partners or educational centers. The Appellant respectfully submits that this has nothing to do with using at least a portion of search results to retrieve at least one advertisement.

In the "Response to Arguments" section of the final Office Action, the Examiner argues, "The Guheen [patent] anticipates the fourth limitation of independent claim 1," (Paper No. 110805, page 12) However, it is well established that to anticipate, the Guheen patent must "describe *all* of the elements of the claims, *arranged as in the [claim]*", not just a limitation. The Examiner

goes on cite two separate sections of the Guheen patent which purportedly concern a first selection concerning a buyer of an item, and a second selection concerning advertising information related to items for purchase, concluding, "These two selections *might be* combined.

[Emphasis added.]" (Paper No. 110805, page 13.)

Frankly, the Examiner's "might be" test is not even appropriate under an obviousness analysis -- "might be" is not even remotely close to the proper legal test for anticipation under which the reference must "*clearly and unequivocally*" disclose all of the elements of the claim, as arranged as in the claim.

Continuing to apply an improper, drastically relaxed standard of anticipation, the Examiner concludes that the Guheen patent "teaches *the second portion of* this limitation.... [Emphasis added.]" (Paper No. 110805, page 13.) The Examiner then concludes, using logic that the Appellant quite frankly cannot follow, that since the Guheen patent discloses, in one section, data delivery means including electronic storage means for delivering one portion of information and broadcasting and/or telecommunicating means for other portions of the information, and discloses, in another section, displaying a table of query results, it teaches the claimed act of retrieving at least one advertisement using at least a portion of the accepted search results. (See Paper No. 110805, pages 13 and 14.)

To reiterate, the Examiner's rejection relies on (1) inappropriately parsing, not only elements of the claims, but also parts of elements of claims, (2) finding parts of elements of claims in separate, unrelated, sections of an extremely large reference, and (3) applying tortured

logic of what "might be" done in order to combine the unrelated snippets of text from the reference in a manner that would not even pass muster under an obviousness analysis. Thus, independent claims 1 and 28 are not anticipated by the Guheen patent for at least the foregoing reason. Since claims 7, 8 and 15 depend from claim 1, and since claim 42 depends from claim 28, these claims are similarly allowable.

Group Consisting of Claims 6 and 33

Since claims 6 and 33 depend from claims 1 and 28, respectively, they are not anticipated by the Guheen patent for at least the reasons discussed above with reference to claims 1 and 28.

Also, dependent claims 6 and 33 further recite that the searchable data structure (including advertiser Web page information) includes information extracted exclusively from the identified advertiser Web pages. The Examiner again parses this recitation, and contends, in pertinent part, that this feature is described at column 128, lines 43 and 44 and column 203, lines 26-31 of the Guheen patent. (See Paper No. 110805, page 4.) The cited section column 128 of the Guheen patent merely discusses a test execution support tool for allowing input data and expected results to be extracted from a repository. The Appellant frankly fails to see how this has anything to do with retrieving advertisements, let alone the use of information extracted exclusively from the identified advertiser Web pages (other than the fact that it includes a form of the word "extract" used in an entirely unrelated context). The cited section of column 203 of the Guheen patent merely discusses characteristics

properties of fixed income securities such as U.S. treasuries. The Appellant frankly fails to see how this has anything to do with retrieving advertisements, let alone the use of information extracted exclusively from the identified advertiser Web pages (other than the fact that it includes a form of the word "exclusive" used in an entirely unrelated context).

In the "Response to Arguments" section of the final Office Action, the Examiner argues:

Treasuries *may be viewed as* a form of a data repository. Therefore, information *may be* extracted exclusively from a repository. This *suggests* that the information *could also be* extracted exclusively from advertiser Web pages. [Emphasis added.]

Paper No. 110805, page 15. Again, "might be" and "could be" are not even remotely close to the proper legal test for anticipation under which the reference must "**clearly and unequivocally**" disclose all of the elements of the claim, as arranged as in the claim. In addition, the Appellant fails to see how treasuries may be viewed as a form of data repository. Accordingly, claims 6 and 33 are not anticipated by the Guheen patent for at least this additional reason.

Group Consisting of Claims 10 and 37

Since claims 10 and 37 depend from claims 1 and 28, respectively, they are not anticipated by the Guheen patent for at least the reasons discussed above with reference to claims 1 and 28.

Also, dependent claims 10 and 37 further recite how an act of (or means for) retrieving at least one advertisement uses Web page identifiers included in the

search results. This facilitates the targeting of advertisements without the need of having advertisers enter targeting information, such as keyword targeting information.

In rejecting these claims, the Examiner again improperly parsed the recitations of these claims and cited separate, unrelated, sections of the Guheen patent at columns 13, 54, 55, 168, 189, 192, 193, 195, 207, 215 and 260 as teaching various excerpts of the claims. (See Paper No. 110805, page 5.) Since the Guheen patent does not describe all of the elements of claims 10 and 37, arranged as in these claims, these claims are not anticipated by the Guheen patent for at least this additional reason.

Group Consisting of Claims 11 and 38

Since claims 11 and 38 depend from claims 10 and 37, respectively, they are not anticipated by the Guheen patent for at least the reasons discussed above with reference to claims 10 and 37.

Also, dependent claims 11 and 38 recite that the Web page identifiers are used as lookup keys to a database of advertisement information. This facilitates the targeting of advertisements without the need of having advertisers enter targeting information, such as keyword targeting information.

In rejecting these claims, the Examiner again improperly parsed the recitations of these claims and cited separate, unrelated, sections of the Guheen patent at columns 13, 96, 97, 189 and 207 as teaching various excerpts of the claims. (See Paper No. 110805, page 5.) Since the Guheen patent does not describe all of the

elements of claims 11 and 38, arranged as in these claims, these claims are not anticipated by the Guheen patent for at least this additional reason.

Group Consisting of Claims 12 and 39

Since claims 12 and 39 depend from claims 1 and 28, respectively, they are not anticipated by the Guheen patent for at least the reasons discussed above with reference to claims 1 and 28.

Also, dependent claims 12 and 39 further recite that the at least one advertisement is not one of the accepted search results. For example, Figure 4 illustrates that the ads (or ad identifiers) 480 as being distinct from search results 490.

In rejecting these claims, the Examiner again improperly parsed the recitations of these claims and cited separate, unrelated, sections of the Guheen patent at columns 86, 189 and 206 as teaching various excerpts of the claims. (See Paper No. 110805, page 5.) The cited section of column 189 concerns displaying ads along with items being displayed for purchase. This is part of commerce-related Web application services. The cited section of column 86 concerns the fact that version change request can be rejected or deferred by an authorized person. The cited section of column 206 concerns bids and offers in an auction. None of these cited sections concerns the fact that an advertisement is not a search result. Further, since the Guheen patent does not describe all of the elements of claims 12 and 39, arranged as in these claims, these claims are not anticipated by the Guheen patent for at least these additional reasons.

Group Consisting of Claims 13, 14, 40 and 41

Since claims 13 and 14, and 40 and 41 depend from claims 1 and 28, respectively, they are not anticipated by the Guheen patent for at least the reasons discussed above with reference to claims 1 and 28.

Also, dependent claims 13, 14, 40 and 41 further recite that an act of (or means for) retrieving at least one advertisement is performed without consideration of expressly entered targeting information (e.g., keyword targeting information). This highlights the fact that advertisements can be targeted without the need of having advertisers enter targeting information, such as keyword targeting information, and distinguishes the claims from systems that use keyword targeting in advertising.

In rejecting these claims, the Examiner again improperly parsed the recitations of these claims and cited separate, unrelated, sections of the Guheen patent at columns 11, 59, 180, 189, 193, 194 and 227 as teaching various excerpts of the claims. (See Paper No. 110805, page 6.) Since the Guheen patent does not describe all of the elements of claims 13, 14, 40 and 41, arranged as in these claims, these claims are not anticipated by the Guheen patent for at least this additional reason.

Group Consisting of Claims 16 and 43

Since claims 16 and 43 indirectly depend from claims 1 and 28, respectively, they are not anticipated by the Guheen patent for at least the reasons discussed above with reference to claims 1 and 28.

Also, dependent claims 16 and 43 further recite that a format of each of the search results is different from a format of each of the at least one advertisement.

In rejecting these claims, the Examiner again improperly parsed the recitations of these claims and cited separate, unrelated, sections of the Guheen patent at columns 70, 177, 189 and 260 as teaching various excerpts of the claims. (See Paper No. 110805, page 7.) Since the Guheen patent does not describe all of the elements of claims 16 and 43, arranged as in these claims, these claims are not anticipated by the Guheen patent for at least this additional reason.

Claim 23

Independent claim 23 is not anticipated by the Guheen patent because the Guheen patent does not teach both a first index including information derived from Web pages of the World Wide Web, and a second index including information derived exclusively from Web pages of advertisers. With regard to the second index, the Examiner cites sections of the Guheen patent that concern media content management, displaying ads with items being displayed for purchase, and links to Web pages in discussion forums and newsgroups. None of these sections teach a second index with the particular features recited in claim 23. Accordingly, claim 23 is not anticipated by the Guheen patent for at least this reason.

Before moving on to address the 103-based rejections, the Appellant would like to respectfully, yet emphatically, reiterate a fundamental flaw in the Examiner's 102-based rejections of the claims. That is,

the Examiner has parsed the claim elements to such an extent that the context and relationships in the claimed invention is lost. This parsing does not obviate the Examiner's need to find all of the claimed recitations *arranged as in the claim*. As stated above, the law clearly prohibits the Examiner's *picking, choosing and combining various snippets, not directly related to each other* by the teachings of the Guheen patent. The Examiner argues that some of these snippets "might be" or "could be" combined. However, what might be or could be done is not even enough to show obviousness, let alone anticipation. Accordingly, the Appellant respectfully requests that the Board reverse the rejection of the foregoing (groups of) claims.

Rejections under 35 U.S.C. § 103

Claims 2-5 and 29-32 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Guheen patent as applied to claims 1 and 28 above, and further in view of U.S. Patent No. 6,480,843 ("the Li patent"). The Appellant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner concedes that the Guheen patent does not teach various features of these dependent claims. To compensate for these admitted deficiencies, the Examiner relies on the Li patent. Even assuming, *arguendo*, that the Li patent includes such teachings and that one of ordinary skill in the art would have been motivated to combine the purported teachings of the Li patent with the Guheen patent as proposed by the Examiner, the proposed

combination still would not compensate for the deficiencies of the Guheen patent with respect to claims 1 and 28, discussed above. Accordingly, claims 2-5 and 29-32 are not rendered obvious by the Guheen and Li patents for at least this reason.

Claims 9 and 36 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Guheen patent as applied to claims 7 and 34, and further in view of U.S. Patent No. 6,119,101 ("the Peckover patent"). The Appellant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner concedes that the Guheen patent does not teach scoring, using at least the search result scores and further using at least one of (1) ad performance information, (2) ad price information (3) advertiser quality information, and (4) user information, at least some of the retrieved at least one advertisement. To compensate for this admitted deficiency, the Examiner relies on the Peckover patent. Even assuming, arguendo, that the Peckover patent includes such a teaching and that one of ordinary skill in the art would have been motivated to combine the purported teaching of the Peckover patent with the Guheen patent as proposed by the Examiner, the proposed combination still would not compensate for the deficiencies of the Guheen patent with respect to claims 1 (and 7) and 28 (and 34), discussed above. Accordingly, claims 9 and 36 are not rendered obvious by the Guheen and Peckover patents for at least this reason.

XIII. Claims appendix

An appendix containing a copy of the claims on appeal is filed herewith.

IX. Evidence appendix

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor is there any other evidence entered by the Examiner and relied upon by the appellant in the appeal.

X. Related proceedings appendix

There are no decisions rendered by a court of the Board in any proceeding identified in section II above pursuant to 37 C.F.R. § 41.38 (c) (1) (ii).

Conclusion

In view of the foregoing, the Appellant respectfully submits that the pending claims are in condition for allowance. Accordingly, the Appellant requests that the Board reverse each of the outstanding grounds of rejection.

July 21, 2006

Respectfully submitted,



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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on July 21, 2006 with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Mail Stop Appeals-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CLAIMS APPENDIX PUSUANT TO
37 C.F.R. § 41.37 (c) (1) (viii)

1 Claim 1 (original): A method comprising:
2 a) accepting a search query;
3 b) searching a searchable data structure including
4 advertiser Web page information;
5 c) accepting search results;
6 d) retrieving at least one advertisement using at least a
7 portion of the accepted search results.

1 Claim 2 (original): The method of claim 1 wherein the
2 searchable data structure is an inverted index.

1 Claim 3 (original): The method of claim 2 wherein the inverted
2 index includes entries, each entry including a term and one or
3 more Web page identifiers.

1 Claim 4 (original): The method of claim 2 wherein the inverted
2 index includes entries, each entry including a term and one or
3 more pairs, each pair including a Web page identifier and a term
4 count.

1 Claim 5 (original): The method of claim 2 wherein the inverted
2 index includes entries, each entry including a term extracted
3 from advertiser Web pages and one or more Web page identifiers
4 that identifier advertiser Web page in which the term appears.

1 Claim 6 (original): The method of claim 1 wherein the at least
2 one advertisement is retrieved from a set of advertiser
3 information, the set of advertiser information including
4 information identifying advertiser Web pages, and

5 wherein the searchable data structure including advertiser
6 Web page information includes information extracted exclusively
7 from the identified advertiser Web pages.

1 Claim 7 (original): The method of claim 1 wherein each of the
2 search results have a score.

1 Claim 8 (original): The method of claim 7 further comprising:
2 e) scoring, using at least the search result scores, at
3 least some of the retrieved at least one advertisement.

1 Claim 9 (original): The method of claim 7 further comprising:
2 e) scoring, using at least the search result scores and
3 further using at least one of (1) ad performance
4 information, (2) ad price information (3) advertiser
5 quality information, and (4) user information, at least
6 some of the retrieved at least one advertisement.

1 Claim 10 (original): The method of claim 1 wherein the
2 searchable data structure includes entries, each entry including
3 a term and one or more Web page identifiers, and
4 wherein the act of retrieving at least one advertisement
5 using at least a portion of the accepted search results uses Web
6 page identifiers included in the search results.

1 Claim 11 (original): The method of claim 10 wherein the Web
2 page identifiers are used as lookup keys to a database of
3 advertisement information.

1 Claim 12 (original): The method of claim 1 wherein the at least
2 one advertisement is not one of the accepted search results.

1 Claim 13 (original): The method of claim 1 wherein the act of
2 retrieving at least one advertisement is performed without
3 consideration of expressly entered targeting information.

1 Claim 14 (original): The method of claims 1 wherein the act of
2 retrieving at least one advertisement is performed without
3 consideration of keyword targeting information.

1 Claim 15 (original): The method of claim 1 further comprising:
2 e) generating a document including (1) search results
3 determined using the search query and a second searchable
4 data structure, and (2) the at least one advertisement.

1 Claim 16 (original): The method of claim 15 wherein a format of
2 each of the search results is different from a format of each of
3 the at least one advertisement.

1 Claim 17 (withdrawn): A method comprising:
2 a) retrieving advertiser Web page information; and
3 b) building a searchable data structure using the
4 retrieved advertiser Web page information exclusively.

1 Claim 18 (withdrawn): The method of claim 17 wherein the act of
2 retrieving advertiser Web page information includes:
3 1) obtaining advertiser Web page identifiers from a
4 database of advertisement information; and
5 2) crawling, in accordance with a policy, the
6 advertiser Website identified by the advertiser Web
7 page identifiers.

1 Claim 19 (withdrawn): The method of claim 18 wherein the
2 advertiser Web page identifiers are unique locators.

1 Claim 20 (withdrawn): The method of claim 18 wherein the
2 advertiser Web page identifiers are URLs.

1 Claim 21 (withdrawn): The method of claim 17 wherein the act of
2 building a searchable data structure using the retrieved
3 advertiser Web page information exclusively includes

- 4 1) extracting terms from advertiser Websites; and
5 2) building an inverted index.

1 Claim 22 (withdrawn): The method of claim 21 wherein the
2 inverted index includes entries and wherein each entry includes
3 a term and one or more Web page identifiers.

1 Claim 23 (original): A search engine comprising:

- 2 a) a query processor;
3 b) a first index including information derived from Web
4 pages of the World Wide Web; and
5 c) a second index including information derived
6 exclusively from Web pages of advertisers.

1 Claim 24 (withdrawn): Apparatus comprising:

- 2 a) a storage facility including:
3 1) advertisement information including ads, and
4 2) a searchable data structure including advertiser
5 Web page information;
6 b) means for generating search results using, at least,
7 the searchable data structure; and
8 c) means for providing one or more ads from the
9 advertisement information using, at least, the generated
10 search results.

1 Claim 25 (withdrawn): The apparatus of claim 24 wherein the
2 advertisement information includes records, each record
3 including an ad and an advertiser Web page identifier.

1 Claim 26 (withdrawn): The apparatus of claim 25 wherein the
2 advertiser Website information included in the searchable data
3 structure is derived from the advertiser Web page identifiers
4 included in records of the advertisement information.

1 Claim 27 (withdrawn): The apparatus of claim 24 wherein the
2 means for providing one or more ads from the advertisement
3 information includes
4 1) means for determining at least one Web page
5 identifier from the search results, and
6 2) means for looking up the one or more ads from the
7 advertisement information using the determined at
8 least one Web page indicator.

1 Claim 28 (original): Apparatus comprising:
2 a) an input for accepting a search query;
3 b) means for searching a searchable data structure
4 including advertiser Web page information to generate
5 search results; and
6 c) means for retrieving at least one advertisement using
7 at least a portion of the accepted search results.

1 Claim 29 (original): The apparatus of claim 28 wherein the
2 searchable data structure is an inverted index.

1 Claim 30 (original): The apparatus of claim 29 wherein the
2 inverted index includes entries, each entry including a term and
3 one or more Web page identifiers.

1 Claim 31 (original): The apparatus of claim 29 wherein the
2 inverted index includes entries, each entry including a term and
3 one or more pairs, each pair including a Web page identifier and
4 a term count.

1 Claim 32 (original): The apparatus of claim 29 wherein the
2 inverted index includes entries, each entry including a term
3 extracted from advertiser Web pages and one or more Web page
4 identifiers that identifier advertiser Web page in which the
5 term appears.

1 Claim 33 (original): The apparatus of claim 28 wherein the at
2 least one advertisement is retrieved from a set of advertiser
3 information, the set of advertiser information including
4 information identifying advertiser Web pages, and
5 wherein the searchable data structure including advertiser
6 Web page information includes information extracted exclusively
7 from the identified advertiser Web pages.

1 Claim 34 (original): The apparatus of claim 28 wherein each of
2 the search results have a score.

1 Claim 35 (original): The apparatus of claim 34 further
2 comprising:
3 d) means for scoring, using at least the search result
4 scores, at least some of the retrieved at least one
5 advertisement.

1 Claim 36 (original): The apparatus of claim 34 further
2 comprising:

d) means for scoring, using at least the search result scores and further using at least one of (1) ad performance information, (2) ad price information (3) advertiser quality information, and (4) user information, at least some of the retrieved at least one advertisement.

Claim 37 (original): The apparatus of claim 28 wherein the searchable data structure includes entries, each entry including a term and one or more Web page identifiers, and wherein the means for retrieving at least one advertisement using at least a portion of the accepted search results uses Web page identifiers included in the search results.

Claim 38 (original): The apparatus of claim 37 wherein the Web page identifiers are used as lookup keys to a database of advertisement information.

Claim 39 (original): The apparatus of claim 28 wherein the at least one advertisement is not one of the accepted search results.

Claim 40 (original): The apparatus of claim 28 wherein the means for retrieving at least one advertisement does not consider expressly entered targeting information.

Claim 41 (original): The apparatus of claims 28 wherein the means for retrieving at least one advertisement does not consider keyword targeting information.

Claim 42 (original): The apparatus of claim 28 further comprising:

3 d) means for generating a document including (1) search
4 results determined using the search query and a second
5 searchable data structure, and (2) the at least one
6 advertisement.

1 Claim 43 (original): The apparatus of claim 42 wherein a format
2 of each of the search results is different from a format of each
3 of the at least one advertisement.

1 Claim 44 (withdrawn): Apparatus comprising:

2 a) means for retrieving advertiser Web page information;
3 and
4 b) means for building a searchable data structure using
5 the retrieved advertiser Web page information exclusively.

1 Claim 45 (withdrawn): The apparatus of claim 44 wherein the
2 means for retrieving advertiser Web page information includes:

3 1) an input for obtaining advertiser Web page
4 identifiers from a database of advertisement
5 information; and
6 2) a crawler for crawling, in accordance with a
7 policy, the advertiser Website identified by the
8 advertiser Web page identifiers.

1 Claim 46 (withdrawn): The apparatus of claim 45 wherein the
2 advertiser Web page identifiers are unique locators.

1 Claim 47 (withdrawn): The apparatus of claim 45 wherein the
2 advertiser Web page identifiers are URLs.

1 Claim 48 (withdrawn): The apparatus of claim 44 wherein the
2 means for building a searchable data structure using the
3 retrieved advertiser Web page information exclusively includes
4 1) means for extracting terms from advertiser
5 Websites; and
6 2) means for building an inverted index.

1 Claim 49 (withdrawn): The apparatus of claim 48 wherein the
2 inverted index includes entries and wherein each entry includes
3 a term and one or more Web page identifiers.



EVIDENCE APPENDIX PURSUANT TO
37 C.F.R. § 41.37 (c) (1) (ix)

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor is there any other evidence entered by the Examiner and relied upon by the appellant in the appeal.



RELATED PROCEEDINGS APPENDIX PURSUANT
TO 37 C.F.R. § 41.37 (c) (1) (x)

There are no decisions rendered by a court of the Board in any proceeding identified in section II of the Substitute Supplemental Appeal Brief pursuant to 37 C.F.R. § 41.37 (c) (1) (ii).